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REMARKS & CONCLUSION

Claim Amendments

Claims 2-4, 11, 13, 18, 19, 27, 28, 34, 36, 38, 46, 47, 55, 56, 62, 64 and 92 are amended. No new matter is added by these amendments. The amendments to claims 2-4, 11, 18, 19, 34, 36, 38, 46, 47, 62, 64 and 92 correct typographical errors. With respect to claims 13, 28 and 56, support for these claims may be found throughout the specification and claims as originally filed and at least at paragraph [0017]. With respect to claims 27 and 55, support may be found throughout the specification and claims as originally filed and at least at paragraphs [0003], [0063], [0108] and [0014]. New claim 107 is added. Support for this claim may be found at least at paragraphs [0008] and [0011].

By this amendment, claims 1-107 are pending.

Restriction Requirement

Claims 1-106, were subject to a restriction requirement. The Office Action imposed a restriction requirement for the claims of Group I (claims 1-15), Group II (claims 16-43), Group III (claims 44-71), Group IV (claims 72-78), Group V (claims 79-81), Group VI (claims 82-85), Group VII (claims 86 and 87), Group VIII (claims 88-93), Group IX (claim 94), Group X (claim 95), Group XI (claim 96 and 97), Group XII (claims 98-102) and Group XII (claims 103-106).

By this response, the Applicants elect to prosecute Group I, which includes claims 1-15 and the new claim 107. This election is made with traverse.

Election of Species Requirement

The Office Action further imposed a species election requirement if Group I claims were elected. Applicants provisionally elect the species of cytotoxic agents.

Applicants note that there are numerous claims that are generic to the cytotoxic agent species, including but not limited to claims 1-9 and 15.

Applicants request that upon allowance of a generic claim they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

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Traversal of Restriction Requirement

Applicants respectfully traverse the restriction requirement. Applicants respectfully submit that the Examiner would not be seriously burdened if restriction were not made. A search of the prior art with regard to one of the groups will reveal whether prior art exists as to the other groups because all of the groups are interrelated by their recitation of the claimed antibody or fragment, anti-carcinoembryonic (CEA) antibody.

In the alternative, Applicant requests that the Examiner consider the following groups together: Groups II, IV-XI, because these groups are all classified in the same class, 424 subclass, 138.1; Groups I and III because these groups are all classified in the class, 424, subclass, 174.1; or Groups VIII-XI because these groups are all classified in the class, 424, subclass 136.1. Therefore, the Examiner would not be seriously burdened if restriction were not made. At a minimum, the claims as discussed above should be examined together.

The Office Action also identified a number of product and process of use claims. Applicants note that the Office Action stated, "Where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be considered for rejoinder."

As a general matter, under 37 CFR 1.141, "more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim." Applicants submit that there are allowable claims, such as claims 1-9 and 15 that are generic to all of the claimed species and that all the claims to species in excess of one are written in dependent form and depend from the generic claims. In particular, claim 10 depends from claim 1 and lists all of the therapeutic agents to be used with the anti-CEA antibody. Applicants therefore submit that the claimed subject matter drawn to the non-elected species should not be withdrawn, or in the alternative should be reentered in the case once the generic claims are found to be allowable. [MPEP ¶¶ 809, 809.02, 809.02(a), 809.02(c), 809.03 and 809.04].

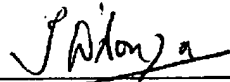
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Conclusion

In light of the remarks herein, Applicants respectfully request entry of this paper. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully Submitted,

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